

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

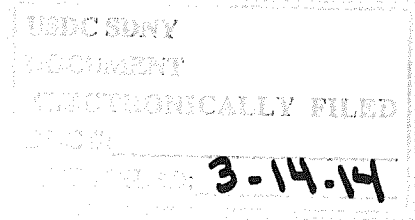
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JORGE PEREZ,

Plaintiff,

- against -

CAPTAIN COLLASO # 2377, and  
C.O. DIAS # 7766,

Defendants.  
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13 Civ. 4616 (ALC)(FM)  
13 Civ. 5318 (ALC)(FM)

**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

ANDREW L. CARTER, JR., United States District Judge:

On July 2, 2013, pro se Plaintiff Jorge Perez filed a Complaint, alleging two corrections officers used excessive force against him while he was in custody at the North Infirmary Command at Rikers Island. Perez filed a second, identical case on July 2, 2013, which was consolidated with this case by Magistrate Judge Maas's Order dated October 21, 2013.

After being informed by the New York City Law Department that Perez was no longer in custody, on November 11, 2013 Magistrate Judge Maas ordered Perez to update his contact information and appear before the Court for a conference on December 9, 2013. (See Dkt. No. 14.) He also warned Perez that if he failed to appear on that date, his case might be dismissed for failure to prosecute. Perez neither provided updated contact information, nor appeared for the hearing before Magistrate Judge Maas on December 9, 2013.

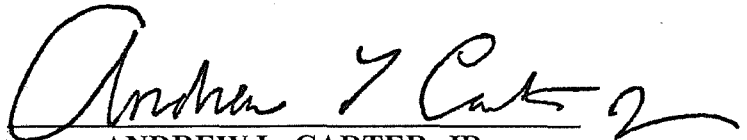
On December 10, 2013, Magistrate Judge Maas issued a thoughtful and thorough Report and Recommendation ("R&R"), proposing Perez's cases be dismissed for want of prosecution. (See Dkt. No. 15.) The R&R notified Perez of his right to submit objections and stated the required time frame for doing so. Magistrate Judge Maas also noted a copy of the R&R was sent

to Perez at his last known address at Rikers Island. Despite notification of the right to object to the R&R, no objections were filed. By Order dated February 5, 2014, this Court ordered Perez to show cause as to why the R&R should not be adopted in its entirety, which, if adopted, would result in the dismissal of both cases, No. 13 Civ. 4616 and No. 13 Civ. 5318, for failure to prosecute. Perez did not submit any response to the Court's Order by February 21, 2014 as required and still has not updated his contact information with the Court.

When no objection is made, the Court subjects the R&R to a clear error review. Arthur v. Goord, No. 06 Civ. 326 (DLC), 2008 WL 482866, at \*3 (S.D.N.Y. Feb. 21, 2008) ("To accept those portions of the report to which no timely objection has been made, 'a district court need only satisfy itself that there is no clear error on the face of the record.'" (quoting Figueroa v. Riverbay Corp., No. 06 Civ. 5364 (PAC), 2006 WL 3804581, at \*1 (S.D.N.Y. Dec. 22, 2006))). The Court's review finds no clear error, and accordingly, the Court **ADOPTS** Magistrate Judge Maas's R&R in its entirety. Pursuant to Fed. R. Civ. P. 41(b) and/or the inherent powers of the Court, Plaintiffs' cases are **DISMISSED without prejudice**. The Clerk of Court is respectfully directed to close case numbers 13 Civ. 4616 and 13 Civ. 5318 from the Court's docket.

**SO ORDERED.**

**Dated:** New York, New York  
March 14, 2014

  
**ANDREW L. CARTER, JR.**  
United States District Judge